

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

FINDINGS OF FACT IN USE OF FORCE INCIDENT

Force Type (s):	Serious Injury
Incident Date:	March 7, 2022
Publication Date:	January 5, 2023
Involved MPD Member(s): Rank, Division Assigned, Race/Gender:	Senior Police Officer 1 Third District White/Male Officer 2 Third District Hispanic/Male Officer 3 Third District White/Male Officer 4 Third District White/Male
Subject of the Force's Race/Gender and Age at time of the use of force incident:	Black/Male 23 years old
Use of Force Review Board Date:	October 12, 2022

SYNOPSIS OF USE OF FORCE

The involved MPD officers utilized hand controls on the subject of the force who resisted their efforts to put him into a holding cell. The subject of the force complained of pain to his thumb and it was later determined that he sustained a fracture to his thumb.

Consistent with MPD policy, this use of force incident was referred to MPD's Internal Affairs Division (IAD) for investigation. MPD's use of force investigative procedures are outlined in [GO-RAR-901.07 \(Use of Force\)](#). The IAD final investigative report concluded on October 3, 2022, after all available evidence was collected and analyzed, and statements from the subject MPD members, the subject of the force, and police witnesses were reviewed. The material facts regarding this use of force incident are outlined below.

EVENTS THAT LED TO POLICE CONTACT

1. On Monday March 7, 2022, MPD officers were dispatched to the 1300 block of Florida Avenue, NW, for a Domestic Violence-Assault. The preliminary investigation determined that the suspect, who would later be identified as the subject of the force, committed an assault and child sexual abuse. The subject of the force was arrested and transported to the Third District for arrest processing.

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EVENTS THAT LED TO THE USE OF FORCE

2. OFC1 transported the subject of the force to the Third District. During the transport, the subject of the force kicked at the back window and door of the transport vehicle.
3. OFC1 arrived at the Third District and asked OFC2 and OFC3 to assist him with escorting the subject of the force into the cell block.
4. OFC1 parked the transport vehicle in the van port of the Third District where he was joined by OFC2 and OFC3.
5. OFC1 asked the subject of the force to exit the transport vehicle however he refused.
6. Sergeant 1(SGT1) responded to the van port and asked the subject of the force to exit the transport vehicle. The subject of the force argued with SGT1 but eventually got out of the transport vehicle and entered into the Third District cell block.
7. The subject of the force was agitated and paced around while inside of the cell block. He asked the officers to remove the handcuffs.
8. OFC1 stated that he would remove the handcuffs and he took a hold of the subject of the force's left arm. OFC3 took a hold of the subject of the force's right arm.
9. The subject of the force refused to move forward, he leaned his head forward as OFC1 and OFC3 attempted to escort him to the cellblock entrance.
10. The subject of the force intentionally went limp and dropped to the ground. OFC1 and OFC3 reached under the subject of the force's arms, picked him up and escorted him to the cellblock.
11. The subject of the force resisted the officers' efforts to escort him.
12. OFC1 and OFC3 were able to get the subject of the force into the cellblock. The subject of the force yelled that he had a previous injury in his shoulder.
13. OFC4 conducted a search of the subject of the force but he jerked his body away.
14. OFC3 pushed the subject of the force toward the wall and then down onto a bench.
15. The subject of the force was seated on the bench and he was bending forward so that his chest was lying on the bench.
16. OFC3 held the subject of the force's left wrist and right shoulder. OFC4 had his hand on the subject of the force's shoulder as well.
17. The subject of the force yelled that the officers were causing pain to his shoulder.

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18. OFC1 and OFC4 attempted to remove the subject of the force's shoes while he was still on the bench.
19. OFC2 took a hold of the subject of the force's left arm and attempted to assist him with standing. The subject of the force refused to stand on his own.
20. OFC2 and OFC3 held onto the subject of the force's arms and slowly lowered him to the floor.
21. OFC1 laid on the subject of the force's legs to prevent the subject of the force from kicking the officers.
22. OFC3 held the subject of the force under his right arm and OFC2 held the subject of the force under his left arm. Both of the officers then lifted the subject of the force up and pushed him into the cell area.
23. The subject of the force braced his foot against a radiator to prevent the officers from taking him into a cell.
24. OFC3 and Officer 5(OFC5) pushed the subject of the force's foot away from the radiator.
25. OFC3 and OFC4 pushed the subject of the force into the cell and quickly closed the cell door. The subject of the force was still handcuffed.

ACTIONS AFTER THE USES OF FORCE

26. The subject of the force requested to speak with an official. Sergeant 2(SGT2) responded and the subject of the force stated that he wanted to press charges against the woman that he was involved with that caused him to be arrested. The subject of the force showed SGT2 marks on his hands that he reported he received from the woman. The subject of the force had somehow slipped his hands out of the handcuffs.
27. Several hours later, the subject of the force reported to Officer 6(OFC6) that his thumb was injured. SGT2 interviewed the subject of the force who reported that he must have injured his thumb during his earlier "scuffle" with the officers.
28. The subject of the force was transported to a local hospital for treatment. Medical personnel determined that the subject of the force sustained a fractured thumb.

PROSECUTORIAL REVIEW BY THE US ATTORNEY'S OFFICE (USAO)

Consistent with [GO-RAR-901.07 \(Use of Force\)](#), this incident was referred to the USAO to make an independent determination whether the use of force indicated criminal wrongdoing that should be prosecuted. On June 22, 2022, the USAO notified MPD that they were declining to prosecute the incident.

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**FINDINGS OF INTERNAL AFFAIRS DIVISION (IAD) ADMINISTRATIVE
INVESTIGATION**

On October 3, 2022, the IAD final investigation made the following findings based on a preponderance of the evidence regarding the uses of force by the involved members.

- The Use of Force-Hand Control with Injury by OFC1 was **JUSTIFIED.**
- The Use of Force-Hand Controls with Injury by OFC2 was **JUSTIFIED.**
- The Use of Force-Hand Control with Injury by OFC3 was **JUSTIFIED.**
- The Use of Force-Hand Controls with Injury by OFC4 was **JUSTIFIED.**

FINDINGS OF THE USE OF FORCE REVIEW BOARD (UFRB)

On October 12, 2022, the UFRB convened to review the final investigative report prepared by the IAD and the evidence regarding the uses of force by the involved members. The UFRB ruled:

- The Use of Force-Hand Control with Injury by OFC1 was **JUSTIFIED.**
- The Use of Force-Hand Controls with Injury by OFC2 was **JUSTIFIED.**
- The Use of Force-Hand Control with Injury by OFC3 was **JUSTIFIED.**
- The Use of Force-Hand Controls with Injury by OFC4 was **JUSTIFIED.**